

1 RICHARD T. BOWLES (# 46234)
2 KENNETH G. JONES (# 196868)
2 MICHAEL P. CONNOLLY (# 238478)
BOWLES & VERA LLP
3 2121 N. California Boulevard, Suite 875
Walnut Creek, California 94596
4 Telephone: (925) 935-3300
Facsimile: (925) 935-0371
5 Email: rbowles@bowlesverna.com
kjones@bowlesverna.com
6 mconnolly@bowlesverna.com

7 Attorneys for Plaintiff and Counterdefendant
WEBCOR CONSTRUCTION, INC.
8 dba WEBCOR BUILDERS

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA for the Use and
Benefit of WEBCOR CONSTRUCTION, INC.,
etc.,

13 Plaintiffs,

14 vs.

15 DICK/MORGANTI, a joint venture, et al.,

16 Defendants.

17 DICK/MORGANTI, a joint venture, et al.,

18 Counterclaimants,

19 v.

20 WEBCOR CONSTRUCTION, INC. and ST. PAUL
FIRE AND MARINE INSURANCE COMPANY,

21 Counterdefendants.

22 AND RELATED COUNTERCLAIMS AND
23 THIRD PARTY CLAIMS.

24 Pursuant to Local Civil Rule 6-2, Plaintiff and Counterdefendant WEBCOR CONSTRUCTION,
25 INC. dba WEBCOR BUILDERS ("Webcor") and Defendant, Counter-Claimant and Third Party

CASE NO.: 3:07-CV-02564-CRB
**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO FILE
ANSWER TO COUNTERCLAIM**

Before: Hon. Charles R. Breyer

1 Complainant DICK/MORGANTI, a joint venture ("D/M") hereby stipulate and agree that the deadline
2 for Webcor and counter-defendant St. Paul Fire and Marine Insurance Company ("St. Paul") to file an
3 answer to D/M's counterclaim be further extended by one month from March 8, 2010, to April 7, 2010.
4 The parties and their representatives continue to meet and discuss various issues, including how
5 Webcor's claims will be addressed at the upcoming mediations with the Project owner. In the
6 meantime, the parties prefer to avoid spending time on litigation activities and filings in the case, and
7 therefore stipulate to this further extension of time.

8 The time for Webcor and St. Paul to file an answer to D/M's counterclaim has not been
9 previously extended. Additionally, there were thirteen extensions of time for D/M to file an answer and
10 counterclaim to Webcor's complaint, as well as other time extensions in connection with case
11 management conferences.

12 A declaration in support of this stipulated request is attached.
13

14 Dated: March 3, 2010

BOWLES & VERA LLP

15 By: _____
16

17 RICHARD T. BOWLES
18 KENNETH G. JONES
19 MICHAEL P. CONNOLLY
Attorneys for Plaintiff and Counterdefendant
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS

20
21 Dated: March _____, 2010

HOWREY LLP

22
23 By: _____

24 JOHN W. RALLS
25 JOHN FOUST
26 Attorneys for Defendants, Counter-Claimants,
and Third Party Complainants
27 DICK/MORGANTI, DICK
CORPORATION, and THE MORGANTI
GROUP

1 Complainant DICK/MORGANTI, a joint venture ("D/M") hereby stipulate and agree that the deadline
2 for Webcor and counter-defendant St. Paul Fire and Marine Insurance Company ("St. Paul") to file an
3 answer to D/M's counterclaim be further extended by one month from March 8, 2010, to April 7, 2010.
4 The parties and their representatives continue to meet and discuss various issues, including how
5 Webcor's claims will be addressed at the upcoming mediations with the Project owner. In the
6 meantime, the parties prefer to avoid spending time on litigation activities and filings in the case, and
7 therefore stipulate to this further extension of time.

8 The time for Webcor and St. Paul to file an answer to D/M's counterclaim has not been
9 previously extended. Additionally, there were thirteen extensions of time for D/M to file an answer and
10 counterclaim to Webcor's complaint, as well as other time extensions in connection with case
11 management conferences.

12 A declaration in support of this stipulated request is attached.
13

14 Dated: March _____, 2010

BOWLES & Verna LLP

16 By:

RICHARD T. BOWLES
KENNETH G. JONES
MICHAEL P. CONNOLLY
Attorneys for Plaintiff and Counterdefendant
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS

21 Dated: March 3, 2010

HOWREY LLP

23 By:


JOHN W. RALLS
JOHN FOUST
Attorneys for Defendants, Counter-Claimants,
and Third Party Complainants
DICK/MORGANTI, DICK
CORPORATION, and THE MORGANTI
GROUP

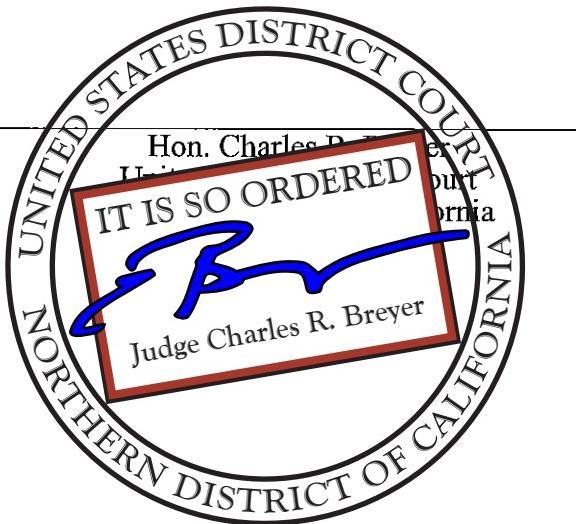
ORDER

The deadline for Plaintiff and Counter-Defendant WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”) and Counter-Defendant St. Paul Fire and Marine Insurance (“St. Paul”) to file an answer to the counterclaim of Defendant, Counter-Claimant and Third Party Complainant DICK/MORGANTI, a joint venture (“D/M”) is extended by one month from March 8, 2010, to April 7, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 05, 2010

By:



DECLARATION OF MICHAEL P. CONNOLLY

I, Michael P. Connolly, declare:

1. I am an attorney with Bowles & Verna LLP and counsel of record for Plaintiff and Counterdefendant WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”).

2. Webcor, on the one hand, and Defendant, Counter-Claimant and Third Party Complainant DICK/MORGANTI, a joint venture (“D/M”), on the other, have agreed to continue to discuss various issues, including how Webcor’s claims will be addressed at the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid spending time on litigation activities and filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for Webcor and Counter-Defendant St. Paul Fire and Marine Insurance (“St. Paul”) to file an answer to D/M’s counterclaim by one month from March 8, 2010, to April 7, 2010.

3. The parties have not previously sought an extension of time for Webcor and St. Paul to file an answer to D/M's counterclaim. The Court has previously allowed thirteen extensions of time for D/M to file a response to Webcor's complaint and to file a counterclaim. Additionally, there have been other time extensions in this case, including time extensions in connection with case management conferences.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on March 3, 2010, in Walnut Creek, California.

MICHAEL P. CONNOLLY